30. Reform of the Legislative Council.

Mr. Vikraman Velayudhan Unnithan (Member, Quilon taluk) said that the reform of the Legislative Council was pressed on the attention of the Government at the various previous sessions of the Assembly and he was prompted to press it again on account of the extreme importance of the subject. The Legislative Council Regulation, though it had undergone a slight amendment in respect of the maximum number of members in 1073, had remained, in material respects, unaltered for a period of 28 years. The Government also felt the necessity for some change and it raised the strength of the Council to its maximum. In point of education, Travancore was ahead of other Native States and the British Indian Provinces; but in recent years, the Legislative Councils of all those Provinces had undergone vast changes, while no change had been effected in the Travancore Council. The Member therefore thought that it was high time for the Government to bestow their serious consideration on the question. The Member made the following suggestions for reforming the Council:—

(1) To increase the number of members from 15 to 21.

(2) To grant the people the power of electing the non-official members.

(3) To grant the Council the power to discuss the annual budget.

(4) To grant the Council the right of interpellating the Government on important administrative questions and to pass resolutions on the same.

(5) To give the Council a non-official majority.

He said that the proposals he made were all in force in the British Indian Legislative Councils and were working satisfactorily. He prayed that the subject might receive the early attention of the Government.

Dewan's reply.—Noted.

31. Legislation in Travancore.

Mr. K. Govinda Pillai (Member, Mavelikara taluk) said, at the outset, that he proposed to deal with the necessity for a Chitty Regulation in Travancore. He said that not less than 25 per cent of the number of suits filed in civil courts and of the number of documents registered by the Sub-Registrars, related to chitties. At present any man became the foreman of a chitty without any responsibility whatever. The trend of the High Court decisions was that the general principles of contract did not govern the chitty schemes. A law to regulate the chitty transactions was therefore very necessary.

Dewan's reply.— A Bill has already been framed and forwarded to the High Court for their opinion. As soon as it is received back, it will be taken up for consideration by Government. The Bill will also be published in the Government Gazette, for the information of the public, before it is formally introduced into the Legislative Council.

32. Effects of modern legislation on the public of Travancore.

Mr. V. Subrahmanyan Moothathu (Member, T. I. C., Tiruvalla) dwelt on the advantages of having the Co-operative Societies Department and hoped that agriculture in the State would considerably develop with the help of the department. The Member said that his subject was a wide one and that he proposed to point out the defects of certain provisions in some of the existing Regulations which caused much hardship to the people. Taking the Land Conservancy Regulation first, he said that Section 7 of the Regulation provided that intimation of previous occupation of Government lands should be given to the Tahsildar within one year, and the failure to do so was punishable under Sections 4 and 5. As the occupation might not have been intentional and as, in some cases, the present occupants might have no reasonable means of knowing that they were trespassers, it would not have been possible in many cases to give the required intimation to the Tahsildar.

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Dewan.—Do you know that there is a new Bill amending and repealing the old Regulation, which has been settled by the Legislative Council ?

Member.—I am referring to the sections of the old Regulation of 1067.

Dewan.—If you speak about the provisions of the old Regulation, which will be necessarily repealed in the course of a few months, your suggestions will not be of much use. Probably, many of the defects you are going to point out have been remedied in the new Bill. In any case, it is best that you go through the Amending Bill.

The Member next referred to the Revenue Recovery Regulation. He objected to the attachment of movables in the case of default of payment of tax, as such a process caused unnecessary hardship to the owner. A portion of the property on which the tax was due, should be attached and sold, and the defaulter should be allowed to redeem the property on payment of a penalty of 5 per cent. on the purchase money to the purchaser within a specified time. He suggested that the provisions relating to the attachment of movable property should be done away with.

In the Registration Regulation, he said that, as the production of a true copy signed by the executant was dispensed with, if the executant denied the fact of execution and the document was lost, there was no means of proving the signature of the executant in cases in which the document was presented for registration by the executant himself. He quoted instances in which the difficulty was actually experienced and suggested that the signatures and thumb impressions of all the parties concerned might be taken not only on the back-side of the document, but also in a separate book, for the purpose of proving the completeness and the binding nature of the contract. Again, survey numbers were often mis-stated and it caused much trouble in the transfer of registry by the Revenue Department and in the execution of decrees by the civil courts. He suggested that qualified conveyancers should be attached to the Sub-Registry offices.

Under Article 100 of the Schedule to the Limitation Regulation, a suit for declaration of title to immovable property and to set aside a patta was barred after six years, while the limitation bar to a suit to evict a man from possession on the strength of a patta was only after twelve years. Further, a suit by the members of a Malabar tarwad for declaration of the non-liability of the tarwad properties for sale in execution of a decree-debt based on a hypothecation bond and for setting aside the decree as far as the tarwad properties were concerned was also held to be governed by the same Article. The Member was of opinion that both the cases came under 'any interest in land' referred to in Article 121, and that the limitation bar should be only after 12 years.

At this stage, the Dewan asked the Member whether he had much more to say. The Member replied that he had to propose certain amendments to the Insolvency Regulation, the Criminal Procedure Code, the Nair Regulation and the Succession Certificate Regulation.

Dewan's reply.—You may send up a memo. containing all your suggestions and they will be duly considered. The points mentioned by you are noted.

33. Necessity for a Regulation for the valuation of trees in civil suits.

Mr. Devan Krishnan Kartavu (Member, Shertalay taluk) said that the commissioners appointed by civil courts were, in most cases, inefficient to make a proper valuation of trees. They were often guided by one of the parties in framing their reports which were not attested by respectable witnesses. Even if the commissioners wanted to be impartial, there was no precise rule to guide them in the valuation of non-bearing young trees. The time which a tree took to bear fruit depended upon various conditions and a person with no experience of the different kinds of trees would not be able to fix a correct value. If respectable and experienced local men were made necessary witnesses to the mahazars prepared by the commissioners, the hardship would be minimised, though not wholly avoided. The necessity for a law on the subject was keenly felt throughout the State, particularly in the taluk of Shertalay. In reply to the Dewan's query, the Member said that he was not aware of the existence

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